

Probate

Rule 601.13 ~~Petitions-Requests~~ for Ex Parte Orders

The procedures for ~~petitions-requests~~ for ex parte orders are posted at www.occourts.org; ~~click~~ Click on probate and then click on ex parte procedures.

All ex parte ~~petitions-requests~~ must be verified and accompanied by a separate proposed order that is complete in itself (except for forms approved by the Judicial Council). A ~~proposed~~ order is ~~insufficient-incomplete~~ if it merely ~~provides-states~~ that the ~~petition-request~~ has been granted. The moving party must submit a Probate Ex Parte Coversheet (L-0003033) to provide preliminary information to the Court and to verify that the party has complied with rules applying to ex parte ~~srequests~~.

~~Since-Because~~ no testimony is taken in connection with ex parte ~~petitionsrequests~~, the ~~petition request~~ must contain sufficient evidentiary facts to justify granting the ~~prayerrequested relief~~. Conclusions or statements of ultimate facts are not sufficient. A foundation should be set forth establishing the affiant's personal knowledge.

~~In cases where pleadings are presented ex parte without attorney service buckslips, attorneys should provide self-addressed envelopes with sufficient postage to have all copies returned to them.~~

~~(Revised effective July 1, 2025; Adopted effective July 1, 1992; revised effective July 1, 2008)~~